

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0676-AIR-E TCEQ ID: RN100210517 CASE NO.: 33308
RESPONDENT NAME: Diamond Shamrock Refining Company, L.P.

Page 1 of 4

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Diamond Shamrock McKee Plant, 6701 Farm-to-Market Road 119, Moore County</p> <p>TYPE OF OPERATION: Petroleum refining plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1096-AIR-E, 2007-0314-AIR-E, and 2006-1774-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, R-13, (210) 403-4006; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. John Deemer, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013; Mr. Thomas A. Shetina, Vice President and General Manager, Diamond Shamrock Refining Company, L.P., P.O. Box 696000, San Antonio, Texas 78629-6000 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 10, 12, 13 and May 9, 2007</p> <p>Date of NOE Relating to this Case: April 13, 16, 17 and May 14, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. Seven violations were documented.</p> <p>AIR</p> <p>1) Failure to include all facility common names in the initial notification and final emissions event report for Incident No. 85519. Specifically, common names for the Main Refinery Flare and No. 2 Crude/Vacuum Unit Fugitives were included, but those for the three Vacuum Compressors and two Refinery Lights Ends ("RLE") Compressors were not [30 TEX. ADMIN. CODE § 101.201(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times. Specifically, on December 31, 2006 between 7:00 a.m. and 8:00 a.m. the pilot flame was not lit causing an emissions event (Incident No. 85519) during which 136.1 pounds ("lbs") of hydrogen sulfide ("H2S") and 4,506.9 lbs of volatile organic compounds ("VOCs") were released. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3) Flexible Permit No. 9708/PSD-TX-861M2 Application Representations, Table F-2, and Special Condition 9B, 40 CODE OF FEDERAL</p>	<p>Total Assessed: \$30,826</p> <p>Total Deferred: \$6,165 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$12,330</p> <p>Total Paid to General Revenue: \$12,331</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p> <p>2) The Order also will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent unauthorized emissions due to the same causes as the emissions events that occurred on November 11 and December 31, 2006, and January 1 and 14, 2007; and</p> <p>ii. Develop and implement procedures to ensure proper reporting of future emissions events and timely responses to requests for information regarding future emissions events.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.</p>

REGULATIONS § 60.18(c)(2), and Tex. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not [30 TEX. ADMIN. CODE § 101.201(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 6,588.9 lbs of VOCs, 100 lbs of nitrogen oxides ("NOx"), 714.2 lbs of carbon monoxide ("CO"), and 1,081.7 lbs of sulfur dioxide ("SO2") were released from the No. 1 Main Refinery Flare, EPN FL-1, during an emissions event (Incident No. 85520) that occurred on January 1, 2007 and lasted 1 hour and 11 minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 578.7 lbs of VOCs, 33.7 lbs of NOx, 194.2 lbs of CO, and 2,835 lbs of SO2 were released from the Hydrocracker ("HCU") Unit Flare, EPN FL-4, during an emissions event (Incident No. 86015) that occurred on January 14, 2007 and lasted 5 hours and 58 minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,828.8 lbs of SO2, 19.5 lbs of H2S, and 286.4 lbs of VOCs were released from the No. 1 Main Refinery Flare and No. 2 Vacuum Unit, EPN FL-1, during an emissions event (Incident No. 83769) that occurred on November 11, 2006 and lasted 16 hours and 10 minutes. Since the emissions event was avoidable and improperly reported, the Respondent

failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to include all required information in the initial and final emissions event reports. Specifically, the initial report did not contain all facility common names (the No. 1 Main Refinery Flare was listed, but the No. 2 Vacuum Unit was not). The final report also did not contain the facility common name No. 2 Vacuum Unit, duration of the event (which changed to 16 hours and 10 minutes, but was not revised for the final report), compound descriptive type of all compounds released (only reported SO₂, but H₂S and VOCs were also released), and best known cause for the event [30 TEX. ADMIN. CODE § 101.201(a)(2) and (b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Attachment A
Docket Number: 2007-0676-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Payable Penalty Amount:	Twenty-Four Thousand Six Hundred Sixty-One Dollars (\$24,661)
SEP Amount:	Twelve Thousand Three Hundred Thirty Dollars (\$12,330)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Moore County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES

Assigned

16-Apr-2007

PCW

9-Jul-2007

Screening

26-Apr-2007

EPA Due

8-Jan-2008

RESPONDENT/FACILITY INFORMATION

Respondent Diamond Shamrock Refining Company, L.P.

Reg. Ent. Ref. No. RN100210517

Facility/Site Region 1-Amarillo

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 33308

Docket No. 2007-0676-AIR-E

Media Program(s) Air

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 7

Order Type 1660

Enf. Coordinator Trina Grieco

EC's Team Enforcement Team 6

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$12,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

167% Enhancement

Subtotals 2, 3, & 7 \$21,376

Notes

Penalty enhancement due to 11 NOVs issued for same or similar violations, 1 NOV issued for non-similar violations, 4 agreed orders containing a denial of liability, and 1 court order containing denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts \$494
Approx. Cost of Compliance \$7,750

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$34,176

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$34,176

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$30,826

DEFERRAL

20%

Reduction

Adjustment -\$6,165

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$24,661

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to 11 NOVs issued for same or similar violations, 1 NOV issued for non-similar violations, 4 agreed orders containing a denial of liability, and 1 court order containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

167%

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85519. Specifically, common names for the Main Refinery Flare and No. 2 Crude/Vacuum Unit Fugitives were included, but those for the three Vacuum Compressors and two Refinery Light Ends ("RLE") Compressors were not.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% (1 of 9) of the requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$99

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Dec-2006	15-Feb-2008	1.1	\$84	n/a	\$84
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	31-Dec-2006	15-Feb-2008	1.1	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost of procedures and training necessary to ensure that plant personnel file accurate emissions event reports. Date required based on the date the initial emissions event report was submitted, Final date is the projected date new reporting procedures will be implemented.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$99

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3) Flexible Permit No. 9708/PSD-TX-861M2 Application Representations, Table F-2, and Special Condition 9B, 40 Code of Federal Regulations § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times. Specifically, on December 31, 2006 between 7:00 a.m. and 8:00 a.m. the pilot flame was not lit causing an emissions event (Incident No. 85519) during which 136.1 pounds ("lbs") of hydrogen sulfide ("H₂S") and 4,506.9 lbs of volatile organic compounds ("VOCs") were released. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to 2.32 tons of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$6,675

This violation Final Assessed Penalty (adjusted for limits) \$6,675

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Dec-2006	15-Feb-2008	1.1	\$113	n/a	\$113

Notes for DELAYED costs

Estimated cost to implement measures or install equipment designed to ensure the pilot flame is lit at all times. Date required based on the date of the pilot flame outage. Final date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$113

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% (one of nine) of the requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated in Violation 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 6,588.9 lbs of VOCs, 100 lbs of nitrogen oxides ("NOx"), 714.2 lbs of carbon monoxide ("CO"), and 1,081.7 lbs of sulfur dioxide ("SO2") were released from the No. 1 Main Refinery Flare, EPN FL-1, during an emissions event (Incident No. 85520) that occurred on January 1, 2007 and lasted 1 hour and 11 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to 4.24 tons of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$13,350

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Jan-2007	15-Feb-2008	1.1	\$84	n/a	\$84

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure appropriate valves are closed. Date required based on the event. Final date is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$84

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 578.7 lbs of VOCs, 33.7 lbs of NOx, 194.2 lbs of CO, and 2,835 lbs of SO2 were released from the Hydrocracker ("HCU") Unit Flare, EPN FL-4, during an emissions event (Incident No. 86015) that occurred on January 14, 2007 and lasted 5 hours and 58 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to 1.82 tons of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$6,675

This violation Final Assessed Penalty (adjusted for limits) \$6,675

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	14-Jan-2006	15-Feb-2008	2.1	\$104	n/a	\$104

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure the integrity of pipe insulation and to prevent the high pressure cold separator level transmitter from freezing. Date required based on the date of the event. Final date based on the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$104

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,828.8 lbs of SO₂, 19.5 lbs of H₂S, and 286.4 lbs of VOCs were released from the No. 1 Main Refinery Flare and No. 2 Vacuum Unit, EPN FL-1, during an emissions event (Incident No. 83769) that occurred on November 11, 2006 and lasted 16 hours and 10 minutes. Since the emissions event was avoidable and improperly reported, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment were exposed to 1.07 tons of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95

Violation Final Penalty Total \$6,675

This violation Final Assessed Penalty (adjusted for limits) \$6,675

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	11-Nov-2006	15-Feb-2008	1.3	\$95	n/a	\$95

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the No. 2 Vacuum Unit pressure from dropping below historical operating pressure of 30-40 millimeters of mercury. Date required is the date of the release. Final date is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$95

Screening Date 26-Apr-2007

Docket No. 2007-0676-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33308

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(2) and (b)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include all required information in the initial and final emissions event reports. Specifically, the initial report did not contain all facility common names (the No. 1 Main Refinery Flare was listed, but the No. 2 Vacuum Unit was not). The final report also did not contain the facility common name No. 2 Vacuum Unit, duration of the event (which changed to 16 hours and 10 minutes, but was not revised for the final report), compound descriptive type of all compounds released (only reported SO₂, but H₂S and VOCs were also released), and best known cause for the event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% (six of 24) of the rule requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$99

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 33308
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated in Violation 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 3.88																																																																																																																														
Regulated Entity:	RN100210517	DIAMOND SHAMROCK MCKEE PLANT	Classification: AVERAGE	Site Rating: 7.84																																																																																																																														
ID Number(s):	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 20%;">ACCOUNT NUMBER</td> <td style="width: 30%;">MR0008T</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1555</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0003927000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0115851</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0115851</td> </tr> <tr> <td>PUBLIC WATER SYSTEM/SUPPLY</td> <td>REGISTRATION</td> <td>1710004</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75538</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>PSDTX861M2</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>70214</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71692</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71696</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1004</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX861M2</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>77646</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13435</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>42</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>9708</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>10152</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>10727</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13095</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>39988</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>MR0008T</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>32958</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4834100031</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD059685339</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30871</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td> <td>PERMIT</td> <td>50229</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td> <td>PERMIT</td> <td>50229</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW192</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW332</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW225</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW226</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW333</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW020</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW102</td> </tr> <tr> <td>WATER LICENSING</td> <td>LICENSE</td> <td>1710004</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05P771</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR15P579</td> </tr> <tr> <td>ON SITE SEWAGE FACILITY</td> <td>PERMIT</td> <td>1710271</td> </tr> <tr> <td>ON SITE SEWAGE FACILITY</td> <td>PERMIT</td> <td>1710272</td> </tr> <tr> <td>IHW CORRECTIVE ACTION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30871</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td> <td>PERMIT</td> <td>50229</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	MR0008T	AIR OPERATING PERMITS	PERMIT	1555	WASTEWATER	PERMIT	WQ0003927000	WASTEWATER	PERMIT	TPDES0115851	WASTEWATER	PERMIT	TX0115851	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1710004	AIR NEW SOURCE PERMITS	REGISTRATION	75538	AIR NEW SOURCE PERMITS	PERMIT	PSDTX861M2	AIR NEW SOURCE PERMITS	REGISTRATION	70214	AIR NEW SOURCE PERMITS	REGISTRATION	71692	AIR NEW SOURCE PERMITS	REGISTRATION	71696	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1004	AIR NEW SOURCE PERMITS	EPA ID	PSDTX861M2	AIR NEW SOURCE PERMITS	REGISTRATION	77646	AIR NEW SOURCE PERMITS	PERMIT	13435	AIR NEW SOURCE PERMITS	PERMIT	42	AIR NEW SOURCE PERMITS	PERMIT	9708	AIR NEW SOURCE PERMITS	PERMIT	10152	AIR NEW SOURCE PERMITS	PERMIT	10727	AIR NEW SOURCE PERMITS	PERMIT	13095	AIR NEW SOURCE PERMITS	PERMIT	39988	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MR0008T	AIR NEW SOURCE PERMITS	PERMIT	32958	AIR NEW SOURCE PERMITS	AFS NUM	4834100031	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD059685339	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # 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AIR NEW SOURCE PERMITS	PERMIT	13435																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	42																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	9708																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	10152																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	10727																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	13095																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	39988																																																																																																																																
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MR0008T																																																																																																																																
AIR NEW SOURCE PERMITS	PERMIT	32958																																																																																																																																
AIR NEW SOURCE PERMITS	AFS NUM	4834100031																																																																																																																																
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD059685339																																																																																																																																
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30871																																																																																																																																
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50229																																																																																																																																
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50229																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW192																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW332																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW225																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW226																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW333																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW020																																																																																																																																
UNDERGROUND INJECTION CONTROL	PERMIT	WDW102																																																																																																																																
WATER LICENSING	LICENSE	1710004																																																																																																																																
STORMWATER	PERMIT	TXR05P771																																																																																																																																
STORMWATER	PERMIT	TXR15P579																																																																																																																																
ON SITE SEWAGE FACILITY	PERMIT	1710271																																																																																																																																
ON SITE SEWAGE FACILITY	PERMIT	1710272																																																																																																																																
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30871																																																																																																																																
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50229																																																																																																																																
Location:	6701 FM 119, SUNRAY, TX, 79086		Rating Date: September 01 06 Repeat Violator: NO																																																																																																																															

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: April 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 20, 2002 to April 20, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/31/2003

ADMINORDER 2002-0181-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)[G]
30 TAC Chapter 101, SubChapter A 101.6(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with upset reporting regulations for eight (8) upset events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 1 PERMIT
SC No. 17 PERMIT

Description: Failure to repair nine (9) leaking components within fifteen calendar days after leaks were detected.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain opacity of emissions within the permitted limits on nine (9) occasions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Part 60, Subpart A 60.18(c)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 11 PERMIT
SC No. 4 PERMIT

Description: Failure to operate the affected flares with no visible emissions expect for periods not to exceed a total of five minutes during any two consecutive hours on ten (10) occasions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 14 PERMIT

Description: Failure to maintain the No. 2 incinerator firebox exit temperature above 1200F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to conduct monthly monitoring of volatile organic compounds (VOCs) associated with cooling tower water with an approved method.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(iii)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make available, at the request of the TNRCC, monthly emissions records required by NSR Permit No. 9914, Special Conditions, Storage of VOC, No. 7G.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.230

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart R 63.425(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PERMIT

Description: Failure to determine a monitored operating parameter value for the performance test of the vapor system.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.230

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart R 63.427(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PERMIT

Description: Failed to install, calibrate, certify, operate, and maintain a continuous monitoring system capable of measuring temperature in the firebox or in the ductwork.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain a net ground level concentration of 0.4 parts per million by volume of SO₂ averaged over a 30 minute period.

Classification: Minor

Citation: 30 TAC Chapter 21 21.4(e)
30 TAC Chapter 290, SubChapter E 290.51(a)(3)

30 TAC Chapter 305, SubChapter M 305.503[G]

Description: Failure to pay outstanding Public Health Service fees WQA fees and WWI fees.

Effective Date: 08/07/2005

ADMINORDER 2004-1645-MLM-E

Classification: Major

Citation: 2D TWC Chapter 27, SubChapter A 27.011
30 TAC Chapter 331, SubChapter A 331.7(a)

30 TAC Chapter 335, SubChapter A 335.2(g)

30 TAC Chapter 335, SubChapter B 335.43[G]

40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1[G]

Rqmt Prov: VI A-Waste Streams Prohibited from Inj. OP

Description: Failed to prevent the unauthorized injection of characteristically hazardous waste containing benzene into non-hazardous storage tanks and then into non-hazardous waste disposal wells in violation of permit provision VI A for permits numbered WDW-020, WDW-225, and WDW-226.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP

Description: Failed to maintain emission rate below the allowable limit and failed to obtain authorization for emission events that occurred October 13 and 24, and December 11, 2003, and March 19, July 29, and August 29, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide written initial notification to the TCEQ within 24 hours of emission events that occurred on October 13 and 24, 2003, and August 29, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a final report within 2 weeks of the end date for emission events which occurred October 13 and 24, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events which occurred October 24, 2003 and August 29, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to include estimated quantities on the initial notification for an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates for Permit No. 9914

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours for an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include in the final report all individually listed compounds which were released during an emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum allowable emission rates for Permit No. 9914

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include all individually listed air contaminants in the final report for an emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates of Permit No. 9914

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization for emissions from a 4" transfer line on Tank 503

Effective Date: 03/23/2006

ADMINORDER 2005-1111-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all of the required information in the final reports submitted for the emission event reporting.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.117(a)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 OP

Description: Failure to control emissions to the atmosphere by emitting unauthorized air contamination during an emission event (Incident No. 54540) on February 26, 2005.

Effective Date: 06/26/2006

ADMINORDER 2006-0131-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 9708 & PSD-TX-861M2, GC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1030.65 lbs of sulfur dioxide and 11.15 pounds of hydrogen sulfide from the Main Refinery Flare (EPN FL-1) during an avoidable emissions event at Complex 3, which began on October 11, 2005 and lasted for eighteen hours and forty seven minutes.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/13/2002	(229659)
2	06/18/2002	(229661)
3	07/19/2002	(229663)
4	07/22/2002	(5685)
5	07/25/2002	(6233)
6	08/08/2002	(229665)
7	09/10/2002	(229667)
8	10/08/2002	(229669)
9	11/08/2002	(229671)
10	12/10/2002	(229672)
11	01/08/2003	(229674)
12	01/23/2003	(22639)
13	01/23/2003	(22621)
14	01/23/2003	(22391)
15	01/23/2003	(22420)
16	01/23/2003	(22629)
17	01/23/2003	(22416)
18	02/10/2003	(229651)
19	03/04/2003	(26741)
20	03/06/2003	(229653)
21	03/28/2003	(28061)
22	03/28/2003	(28057)
23	03/28/2003	(28050)
24	03/28/2003	(28056)
25	03/28/2003	(28053)
26	04/04/2003	(31294)
27	04/11/2003	(229657)
28	04/13/2003	(31707)
29	04/13/2003	(31712)
30	05/12/2003	(325386)
31	06/11/2003	(325387)
32	07/15/2003	(325388)
33	08/07/2003	(36149)
34	08/11/2003	(325389)
35	08/14/2003	(150090)
36	08/15/2003	(150108)
37	08/15/2003	(150117)
38	08/15/2003	(150402)
39	08/15/2003	(150074)
40	08/18/2003	(150410)
41	08/29/2003	(152993)
42	08/29/2003	(152978)
43	08/29/2003	(152987)
44	08/29/2003	(152990)
45	08/29/2003	(152982)
46	09/10/2003	(325390)
47	10/07/2003	(249490)
48	10/08/2003	(325391)
49	11/06/2003	(252941)
50	11/12/2003	(325392)
51	12/12/2003	(325393)
52	01/12/2004	(325394)
53	02/10/2004	(325384)
54	02/13/2004	(262439)
55	02/13/2004	(262426)

56	03/04/2004	(263545)
57	03/04/2004	(263543)
58	03/04/2004	(263539)
59	03/11/2004	(263598)
60	03/12/2004	(325385)
61	04/08/2004	(266806)
62	04/26/2004	(365867)
63	04/30/2004	(271083)
64	05/13/2004	(365868)
65	05/14/2004	(262197)
66	05/19/2004	(270186)
67	05/19/2004	(270183)
68	05/19/2004	(270190)
69	05/19/2004	(270192)
70	05/19/2004	(270194)
71	06/10/2004	(365869)
72	06/29/2004	(277795)
73	06/29/2004	(277740)
74	07/13/2004	(365870)
75	07/19/2004	(282462)
76	07/19/2004	(282628)
77	07/30/2004	(281203)
78	07/30/2004	(285088)
79	07/30/2004	(285091)
80	08/18/2004	(365871)
81	09/10/2004	(365872)
82	09/24/2004	(333652)
83	09/24/2004	(333661)
84	09/24/2004	(334110)
85	09/24/2004	(333657)
86	10/09/2004	(334360)
87	10/09/2004	(334357)
88	10/12/2004	(365873)
89	11/08/2004	(389424)
90	11/23/2004	(341283)
91	11/29/2004	(265255)
92	11/29/2004	(265429)
93	11/29/2004	(265642)
94	12/08/2004	(389425)
95	12/21/2004	(344658)
96	12/21/2004	(344651)
97	12/21/2004	(344660)
98	12/29/2004	(342063)
99	12/30/2004	(342075)
100	12/30/2004	(340798)
101	12/30/2004	(341924)
102	12/30/2004	(342199)
103	12/30/2004	(342037)
104	12/30/2004	(335411)
105	12/30/2004	(339581)
106	12/30/2004	(341816)
107	12/30/2004	(342089)
108	12/30/2004	(342170)
109	01/12/2005	(389426)
110	01/25/2005	(347113)
111	01/28/2005	(347557)
112	01/28/2005	(347546)
113	01/28/2005	(347482)
114	01/31/2005	(349140)
115	02/08/2005	(430654)
116	02/25/2005	(349075)
117	03/04/2005	(372795)
118	03/04/2005	(372791)
119	03/04/2005	(372782)
120	03/04/2005	(372817)
121	03/11/2005	(351080)
122	03/14/2005	(389423)
123	03/17/2005	(374583)
124	03/17/2005	(374606)
125	04/11/2005	(430655)
126	04/27/2005	(378884)

127	04/27/2005	(372560)
128	05/10/2005	(430656)
129	06/03/2005	(394664)
130	06/07/2005	(453773)
131	06/10/2005	(430657)
132	06/10/2005	(379079)
133	07/06/2005	(398782)
134	07/06/2005	(398777)
135	07/11/2005	(447145)
136	07/22/2005	(400328)
137	07/26/2005	(397864)
138	08/19/2005	(447146)
139	09/12/2005	(431439)
140	09/12/2005	(447147)
141	09/12/2005	(431445)
142	10/05/2005	(433468)
143	10/05/2005	(433480)
144	10/05/2005	(491410)
145	10/05/2005	(433476)
146	11/15/2005	(433770)
147	11/15/2005	(491411)
148	11/22/2005	(438231)
149	11/22/2005	(438224)
150	11/22/2005	(438219)
151	12/14/2005	(434276)
152	12/15/2005	(491412)
153	01/05/2006	(437778)
154	01/05/2006	(437779)
155	01/06/2006	(439635)
156	01/13/2006	(491413)
157	01/30/2006	(438525)
158	01/30/2006	(434022)
159	02/02/2006	(454165)
160	02/07/2006	(491408)
161	02/24/2006	(434941)
162	02/24/2006	(434827)
163	03/07/2006	(491409)
164	04/07/2006	(505767)
165	04/11/2006	(461707)
166	04/12/2006	(461731)
167	04/19/2006	(463113)
168	04/19/2006	(463122)
169	04/19/2006	(463117)
170	04/19/2006	(463085)
171	04/19/2006	(463093)
172	05/01/2006	(463546)
173	05/04/2006	(463490)
174	05/05/2006	(505768)
175	05/30/2006	(480407)
176	05/31/2006	(480794)
177	06/05/2006	(505769)
178	06/22/2006	(480967)
179	06/27/2006	(481025)
180	06/30/2006	(481177)
181	07/13/2006	(486456)
182	07/13/2006	(486447)
183	07/17/2006	(528026)
184	07/18/2006	(482533)
185	07/26/2006	(488930)
186	07/26/2006	(488656)
187	07/27/2006	(489065)
188	07/27/2006	(489074)
189	08/24/2006	(528027)
190	08/29/2006	(510486)
191	08/29/2006	(510494)
192	09/07/2006	(488389)
193	09/11/2006	(511697)
194	09/11/2006	(511821)
195	09/12/2006	(512020)
196	09/15/2006	(488452)
197	09/20/2006	(372800)

198	09/22/2006	(512784)
199	09/22/2006	(513104)
200	09/25/2006	(488931)
201	09/25/2006	(528028)
202	10/06/2006	(551570)
203	10/06/2006	(488938)
204	10/11/2006	(515781)
205	10/12/2006	(489193)
206	10/13/2006	(515941)
207	10/13/2006	(516008)
208	10/13/2006	(516058)
209	10/13/2006	(515995)
210	10/31/2006	(515088)
211	10/31/2006	(515083)
212	10/31/2006	(515085)
213	10/31/2006	(517795)
214	10/31/2006	(515056)
215	10/31/2006	(515097)
216	11/03/2006	(518280)
217	11/03/2006	(518264)
218	11/08/2006	(518742)
219	11/09/2006	(551571)
220	11/20/2006	(519567)
221	12/05/2006	(551572)
222	12/05/2006	(532900)
223	12/05/2006	(532888)
224	12/05/2006	(532897)
225	12/08/2006	(533121)
226	12/08/2006	(533139)
227	12/08/2006	(533445)
228	12/11/2006	(532830)
229	12/12/2006	(533646)
230	12/13/2006	(533581)
231	12/18/2006	(518681)
232	12/28/2006	(515100)
233	01/08/2007	(535737)
234	01/08/2007	(535677)
235	01/08/2007	(535755)
236	01/11/2007	(551573)
237	01/29/2007	(533808)
238	02/11/2007	(551569)
239	02/20/2007	(452450)
240	02/28/2007	(542019)
241	02/28/2007	(542056)
242	03/06/2007	(542543)
243	03/06/2007	(542521)
244	03/06/2007	(542534)
245	03/08/2007	(542581)
246	03/27/2007	(555204)
247	04/09/2007	(541306)
248	04/10/2007	(555984)
249	04/12/2007	(556625)
250	04/12/2007	(556634)
251	04/12/2007	(556627)
252	04/12/2007	(556631)
253	04/12/2007	(556613)
254	04/12/2007	(556468)
255	04/13/2007	(556486)
256	04/13/2007	(556973)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: **08/06/2003** (36149)

Self Report? NO

Classification Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)

Description: Failure to perform the first attempt to repair the leaking pumps no later than 5 days after each leak was detected.

Date: **03/10/2004** (263598)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA Permit No. 9914, sp. provision No. 11

Description: The facility failed to operate Wastewater Flare according to special provision No. 11of

permit No. 9914. Visible emissions were observed from this flare during several emissions events.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: The company failed to submit the initial emissions event report within 24 hours following the discovery of the event, as required by the provisions of §101.201(e).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: The company failed to comply with the special provision 19B of the permit No. 8636 by operating a pump in violation of the required standards.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)

Description: The company failed to provide sufficient information to review the emissions event, as required by the provisions of §101.201(a)(4).

Date: 11/29/2004 (265255)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include on the final report all compounds released during an emissions event

Date: 11/30/2004 (265429)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to include authorized emissions limit on initial notification for an emissions event

Date: 12/30/2004 (342075)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit an initial notification within 24 hours of an emissions event

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization to emit air contaminants

Date: 07/26/2005 (397864)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: The facility failed to comply with the provisions of the flexible permit No. 9708 by failure to have the Wastewater flare's pilot flame lit at all times.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: The facility failed to comply with the provisions of the flexible permit No. 9708 by failure to operate the No. 2 SRU incinerator with the temperatures above 1200 degrees Fahrenheit.

Date: 05/05/2006 (463490)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure of FCCU to comply with opacity limits of Permit No. 9708/PSD-TX-861M2

Date: 06/23/2006 (480967)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with special condition 24 of Permit No. 9708/PSD-TX-861M2 during an excess opacity event that occurred on March 23, 2006

Date: 06/28/2006 (481025)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: Failure to provide notification of an excess opacity event within 24 hours of discovery

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the opacity limit of permit no. 9708/PSD-TX-861M2 for V-20

Date: 09/25/2006 (488931)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: Failure to submit notification of an excess opacity event within 24 hours

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with permitted opacity limit during an excess opacity event that did not meet the affirmative defense criteria

Date: 12/18/2006 (518681)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: failure to comply with permitted opacity limits for FCCU stack during excess opacity event which did not meet affirmative defense criteria

Date: 02/28/2007 (542056)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Rqmt Prov: PERMIT MSGP Part III 7 (b)
Description: Failure to conduct Annual Comprehensive Site Compliance Evaluations as permit required.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIAMOND SHAMROCK REFINING
COMPANY, L.P.
RN100210517**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0676-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Diamond Shamrock appear before the Commission and together stipulate that:

1. Diamond Shamrock owns and operates a petroleum refining plant at 6701 Farm-to-Market Road 119 in Moore County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Diamond Shamrock agree that the Commission has jurisdiction to enter this Agreed Order, and that Diamond Shamrock is subject to the Commission's jurisdiction.
4. Diamond Shamrock received notices of the violations alleged in Section II ("Allegations") on or about April 18, 21, 22, and May 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Diamond Shamrock of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Eight Hundred Twenty-Six Dollars (\$30,826) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Diamond Shamrock has paid Twelve Thousand Three Hundred Thirty-One Dollars (\$12,331) of the administrative penalty and Six Thousand One Hundred Sixty-Five Dollars (\$6,165) is deferred contingent upon Diamond Shamrock's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Diamond Shamrock fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Diamond Shamrock to pay all or part of the deferred penalty. Twelve Thousand Three Hundred Thirty Dollars (\$12,330) shall be conditionally offset by Diamond Shamrock's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Diamond Shamrock have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Diamond Shamrock has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Diamond Shamrock is alleged to have:

1. Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85519, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 10, 2007. Specifically, common names for the Main Refinery Flare and No. 2 Crude/Vacuum Unit Fugitives were included, but those for three Vacuum Compressors and two Refinery Light Ends ("RLE") Compressors were not.
2. Failed to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3) Flexible Permit No. 9708/PSD-TX-861M2 Application Representations, Table F-2, and Special Condition 9B, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 10, 2007. Specifically, on December 31, 2006 between 7:00 a.m. and 8:00 a.m. the pilot flame was

not lit causing an emissions event (Incident No. 85519) during which 136.1 pounds ("lbs") of hydrogen sulfide ("H₂S") and 4,506.9 lbs of volatile organic compounds ("VOCs") were released. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

3. Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85520, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 12, 2007. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 12, 2007. Specifically, unauthorized emissions of 6,588.9 lbs of VOCs, 100 lbs of nitrogen oxides ("NO_x"), 714.2 lbs of carbon monoxide ("CO"), and 1,081.7 lbs of sulfur dioxide ("SO₂") were released from the No. 1 Main Refinery Flare, EPN FL-1, during an emissions event (Incident No. 85520) that occurred on January 1, 2007 and lasted 1 hour and 11 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222.
5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 13, 2007. Specifically, unauthorized emissions of 578.7 lbs of VOCs, 33.7 lbs of NO_x, 194.2 lbs of CO, and 2,835 lbs of SO₂ were released from the Hydrocracker ("HCU") Unit Flare, EPN FL-4, during an emissions event (Incident No. 86015) that occurred on January 14, 2007 and lasted 5 hours and 58 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 9, 2007. Specifically, unauthorized emissions of 1,828.8 lbs of SO₂, 19.5 lbs of H₂S, and 286.4 lbs of VOCs were released from the No. 1 Main Refinery Flare and No. 2 Vacuum Unit, EPN FL-1, during an emissions event (Incident No. 83769) that occurred on November 11, 2006 and lasted 16 hours and 10 minutes. Since the emissions event was avoidable and improperly reported, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
7. Failed to include all required information in the initial and final emissions event reports, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(2) and (b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 9, 2007. Specifically, the initial report did not contain all facility common names (the No. 1 Main Refinery Flare was listed, but the No. 2 Vacuum Unit was not). The final report also did not contain the facility common

name No. 2 Vacuum Unit, duration of the event (which changed to 16 hours and 10 minutes, but was not revised for the final report), compound descriptive type of all compounds released (only reported SO₂, but H₂S and VOCs were also released), and best known cause for the event.

III. DENIALS

Diamond Shamrock generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Diamond Shamrock pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Diamond Shamrock's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2007-0676-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Diamond Shamrock shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Three Hundred Thirty Dollars (\$12,330) of the assessed administrative penalty shall be offset with the condition that Diamond Shamrock implement the SEP defined in Attachment A, incorporated herein by reference. Diamond Shamrock's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Diamond Shamrock shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent unauthorized emissions due to the same causes as the emissions events that occurred on November 11 and December 31, 2006, and January 1 and 14, 2007; and
 - ii. Develop and implement procedures to ensure proper reporting of future emissions events and timely responses to requests for information regarding future emissions events.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. The provisions of this Agreed Order shall apply to and be binding upon Diamond Shamrock. Diamond Shamrock is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Diamond Shamrock fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Diamond Shamrock's failure to comply is not a violation of this Agreed Order. Diamond Shamrock shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Diamond Shamrock shall notify the Executive Director within seven days after Diamond Shamrock becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Diamond Shamrock shall be made in writing to the Executive Director. Extensions are not effective until Diamond Shamrock

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Diamond Shamrock in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Diamond Shamrock, or three days after the date on which the Commission mails notice of the Order to Diamond Shamrock, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the study was a literature review. The second part was a survey of the current state of the art. The third part was a comparison of the results with the literature.

The results of the study show that the proposed method is effective in reducing the error rate. The results are compared with the results of the literature and the proposed method is found to be superior to the existing methods.

The proposed method is based on the use of a neural network. The neural network is trained on a set of data and is used to predict the results of the experiment. The results of the experiment are compared with the results of the neural network.

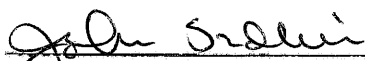
The results of the study show that the proposed method is effective in reducing the error rate. The results are compared with the results of the literature and the proposed method is found to be superior to the existing methods.

Diamond Shamrock Refining Company, L.P.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

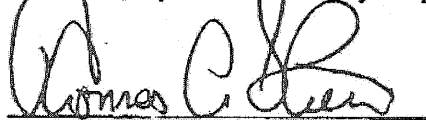
9/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

JULY-20-2007
Date

THOMAS A. SHETINA
Name (Printed or typed)
Authorized Representative of
Diamond Shamrock Refining Company, L.P.

VP + GEN MGR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0676-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Payable Penalty Amount:	Twenty-Four Thousand Six Hundred Sixty-One Dollars (\$24,661)
SEP Amount:	Twelve Thousand Three Hundred Thirty Dollars (\$12,330)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Moore County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

